

## eBonding Requirements

### **In order to provide electronic Bonds the Surety Company must be able to:**

Surety must submit bonds in accordance with subsection C. Electronic bid bonds are also subject to Section 13-226 of the State Finance and Procurement Article and applicable provisions of Title 21 of the Commercial Law Article of the Annotated Code of Maryland.

- I. (a) A copy of the electronic bid bond must be attached to the bid submitted in eMaryland Marketplace and must be accompanied by a properly executed power of attorney. The electronic copies of the bond and power of attorney attached to the bid and any electronic or printed copies of those copies shall be enforceable and admissible in evidence in all proceedings to the same extent as the original electronic bond and power of attorney.
- (b) Once a bid is submitted in eMaryland Marketplace with a bid bond attached to it, the bid bond shall be binding and enforceable against the principal and the surety until the contract award has been completed. Bid bonds may not be revoked, rescinded, or withdrawn by the bidder or the surety after bids are opened. Bidders and their sureties will have no liability on bid bonds after the contract is awarded, executed by the State, and sent to the successful bidder.
- (c) The bid bond attached to the bid must reflect on its face that it has been executed on behalf of the principal and the surety with valid, authenticated, electronic signatures. The power of attorney attached to the bid bond must reflect on its face that it has been executed on behalf of the surety by the requisite officers and upon proper authorization of the corporation. It shall not be necessary for electronic bid bonds to be witnessed or attested on behalf of the principal or the surety. Electronic signatures on the bond *may be affixed with a PKI certificate or with a signature capture tablet*. Powers of attorney may be submitted with a bid bond in PDF or other format. Authorization by the surety in a power of attorney of the use of facsimile seals or signatures shall constitute authorization by the surety of the attachment of the power of attorney to a bid bond by electronic means, including in PDF or other format.